<u>**Amendments to the Drawings:**</u>

The attached sheet of drawings includes changes to Figure 4. This sheet replaces the original sheet including Figure 4. In Figure 4, the previously mislabeled element 454 has been renumbered 445.

Attachment:    Replacement sheet

## REMARKS

In the Office Action, the Examiner indicated that Claims 1, 3-13, 16 and 18-32 are pending in the application, and the Examiner rejected all claims.

Applicants have herein amended independent Claims 1 and 16 to more clearly recite the novel features of the present invention.

### In the Specification

In the specification, the abstract has been amended to correct minor editorial problems.

### Drawings

On page 3 of the Office Action, the Examiner objected to Figure 4. As such, Figure 4 has been appropriately amended.

### Claim Objections

On page 4 of the Office Action, the Examiner objected to claims 31 and 32 as not being accompanied by a disclosure of the text portions of the specification supporting the claims. Applicant directs the Examiner to page 5, lines 25 through 33 as well as page 6, lines 1-8 which defines storing parameters as method attributes in attribute tables for processing by a virtual machine. The Examiner is respectfully requested to reconsider and withdraw the objection to claims 31 and 32.

## Claim Rejections, 35 U.S.C. §§ 102 and 103

On page 5 of the Office Action, the Examiner rejected claims 1, 3-13 and 31 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,530,075 to Beadle. On page 9 of the Office Action, the Examiner rejected claims 16, 18-30 and 32 under 35 U.S.C. §103(a) as being unpatentable over Beadle in view of U.S. Patent Application No. 2004/0221272 to Wu.

With respect to the pending claims, according to the MPEP, a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. MPEP §2131. Additionally, a *prima facie* case of obviousness can only be established when "there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skilled in the art, to modify the reference or to combine reference teachings." MPEP §2143. Applicants submit that Beadle neither anticipates the claimed invention, nor provides a basis for an obviousness rejection.

As amended, Claim 1 recites as follows:

A tool for processing a p-code file, comprising:
analyzing p-code methods to be compiled within said p-code file;
identifying one or more p-code methods that have at least one profile parameter including an associated priority level above a threshold level; and
annotating said identified p-code methods to be compiled in a prioritized order to enable preferential processing of said p-code file based on said associated priority level of each identified p-code method.

Independent Claim 16 recites similar limitations. One aspect of the claimed invention prioritizing p-code methods and enabling preferential processing of the p-code methods based upon this the prioritizing. By providing priority levels, a processor can compile the p-code file in a <u>prioritized order</u> that will ensure that any essential method steps are compiled before any non-

essential steps.

Beadle fails to teach or suggest identifying p-code methods having at least one profile parameter including an associated priority level and enabling preferential processing of the p-code method based on the priority level <u>in a prioritized order</u>. Rather, Beadle discloses just-in-time (JIT)/Compiler Java language extensions to enable field performance and serviceability. Specifically, the invention provides a programmer keyword extensions of the Java language to indicate which Java objects, classes, methods or code sections are to be just-in-time compiled. Essentially, Beadle only teaches which Java objects are to be compiled, but does not teach in what priority they are to be compiled. In contrast, the present invention specifically teaches enabling preferential processing based upon a priority level for each p-code method in a p-code file.

Without a disclosure of prioritizing p-code methods and enabling preferential processing of the p-code methods in a prioritized order based upon this the prioritizing as claimed, Beadle cannot be said to anticipate the present invention or to provide a basis for an obviousness rejection. As such, the present invention is novel and non-obvious over the prior art of record and an early Notice of Allowance is earnestly solicited.

## Conclusion

The present invention is not taught or suggested by the prior art. Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejection of the claims. An early Notice of Allowance is earnestly solicited.

The Commissioner is hereby authorized to charge any additional fees or credit any

overpayment associated with this communication to Deposit Account No. 19-5425.

Respectfully submitted,
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by:

October 31, 2007
Date

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